

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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In re: BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:  
All Actions

**DEFENDANTS' MEET AND  
CONFER STATEMENT  
REGARDING MOTION TO  
COMPEL AGAINST KENNEDY  
HODGES LLP**

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The undersigned counsel for Defendants 3M Company and Arizant Healthcare Inc. ("Defendants") certifies that counsel for Defendants met and conferred with Kennedy Hodges LLP as follows:

1. On February 21, 2017, counsel for Defendants emailed David Hodges and Gabriel Assaad of Kennedy Hodges, asking them to confirm that Augustine's privilege logs were a complete record of communications between Kennedy Hodges and Augustine.
2. Having received no response, counsel for Defendants again emailed Kennedy Hodges on February 28, 2017, with the same question. That same day, David Hodges of Kennedy Hodges responded, in relevant part: "I assume that Mr. Benham satisfied his obligations and listed everything. I have no reason to doubt this as I am sure you have no reason to doubt this."

3. Counsel for Defendants responded to Mr. Hodges that same day: “It sounds like Kennedy Hodges has not done anything to confirm whether it has additional communications that are not included on Augustine’s logs, even though it is clearly in the position to do so. If I’m misrepresenting your email below, and you have confirmed that Kennedy Hodges has no additional communications, please let me know.” Kennedy Hodges did not respond.

4. On March 8, 2017, following this Court’s ruling on Defendants’ motion to compel production of documents from Augustine’s privilege log, counsel for Defendants again emailed Kennedy Hodges, indicating that Defendants would file a motion to compel unless Kennedy Hodges agreed by the end of the day to undertake a diligent search for communications between itself and Augustine that were not on Augustine’s logs, and produce them to 3M by March 14 or (if asserting a privilege), produce a privilege log and tender the documents to the Court for *in camera* review.

5. As of the time of this filing, Kennedy Hodges has not agreed to this relief.

As such, Counsel for Defendants and Kennedy Hodges have not been able to resolve any portion of Defendants’ Motion at this time.

Dated: March 9, 2017

Respectfully submitted,

s/Benjamin W. Hulse

Benjamin W. Hulse (#0390952)

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and Arizant Healthcare Inc.**

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